

REMARKS

The Office Action dated January 16, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-3, 5-21, 23-34, 36, 45-47, 49-66, and 70 are currently pending in the application, of which claims 1, 19, 45, 60, 65-66, and 70 are independent claims. Claims 1-3, 5-21, 23, 27, 30-36, 45-47, 49-60, 63-64, 67, and 69 have been amended, and claim 70 has been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 35 and 67-69 have been cancelled without prejudice or disclaimer. Claims 1-3, 5-21, 23-34, 36, 45-47, 49-66, and 70 are respectfully submitted for consideration.

The Office Action is listed as final, but this designation is incorrect. The Office Action stated that Applicant's amendment necessitated the new grounds of rejection, but the response filed December 7, 2007, did not contain any amendments. Accordingly, the Office Action has been improperly designated a "final" Office Action, and consequently withdrawal of the finality of the Office Action is respectfully requested.

Claims 1-2, 5, 8-9, 11-20, 23, 26-27, 29-36, 45-46, 49, 52-53, 55-60, and 65-66 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2006/0030304 of Sofer et al. ("Sofer"). Applicants respectfully traverse this rejection.

Sofer is not prior art, since it was filed on April 5, 2005, which is later than the filing date of the present application. Thus, Sofer itself does not qualify as prior art under 35 U.S.C. 102(e). It should be noted that Sofer appears to be related to U.S. Patent No. 6,920,487, which was filed earlier than Sofer. Accordingly, in order to expedite prosecution and for the Examiner's convenience, some discussion of the technical distinctions between the claims and Sofer is provided. It is respectfully submitted that the claims recite subject matter that is neither disclosed nor suggested in Sofer.

Claim 1, upon which claims 2-3 and 5-18 depend, is directed to a system including a first system entity configured to provide a multimedia messaging service to a user equipment connected to a network of a system. The system also includes a second system entity configured to provide a value added service to a user of the user equipment via the multimedia messaging service. The first system entity is configured to send a message to the second system entity. The message comprises roaming information about the user equipment. The second system entity is configured to use the roaming information when providing the value added service to the user equipment.

Claim 19, upon which claims 20-21, 23-34, 36, and 61-61 depend, is directed to a method including receiving a message comprising roaming information about a user equipment from a network entity providing a multimedia messaging service. The method also includes providing a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information.

Claim 45, upon which claims 46-47, 49-59, and 63-64 depend, is directed to an apparatus including a receiver configured to receive a message from a network entity providing a multimedia messaging service, wherein the message comprises roaming information about a user equipment. The apparatus is configured to provide a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information.

Claim 60 is directed to a computer-readable storage medium including a computer program set, wherein the execution of the program set in a computer causes the computer to execute a process. The process includes receiving a message from a network entity providing a multimedia messaging service, wherein the message comprises roaming information about a user equipment. The process also includes providing a value added service to a user of the user equipment via the multimedia messaging service using the roaming information.

Claim 65 is directed to a system including a first system entity means for providing multimedia messaging service to a user equipment connected to a network of the system. The system also includes a second system entity means for providing a value added service to a user of the user equipment via the multimedia messaging service. The system further includes sending means for sending a message from the first system entity means to the second system entity means, wherein the message comprises roaming information about user equipment. The second system entity means is configured to use the roaming information when providing the value added service to the user equipment.

Claim 66 is directed to a method including providing a multimedia messaging service to user equipment connected to a network of a system. The method also includes providing a value added service to a user of the user equipment via the multimedia messaging service. The method further includes sending a message from a first system entity to a second system entity, wherein the message comprises roaming information about the user equipment. The method additionally includes using the roaming information when providing the value added service to the user equipment.

Applicants respectfully submit that Sofer fails to disclose or suggest all of the elements of any of the presently pending claims.

Sofer generally relates to a system and methods for global access to services for mobile telephone subscribers. Sofer describes its system as including a “packet-switch” network and intelligent gateways coupled to the “packet-switch” network, that allegedly enable roaming subscribers to continue using their value added services using familiar access, interface, and language. Sofer also asserts that Sofer’s system enables mobile operators to deliver new services to roamers and subscribers.

Sofer fails to disclose or suggest, at least, “A system comprising: a first system entity configured to provide a multimedia messaging service to a user equipment connected to a network of a system,” as recited in claim 1 (or the similar recitation of claim 65).

Sofer fails to teach any kind of multimedia messaging service or a system entity providing a multimedia messaging service. Sofer merely discloses a short message

service (see paragraph [0067]). As is established in the understanding of one of ordinary skill in the art, the short message service (SMS) is a different service than a multimedia messaging service (MMS). The SMS allows transmission of short text messages between communication devices. However, the SMS is not able to transmit multimedia messages. Thus, Sofer fails to disclose or suggest, “A system comprising: a first system entity configured to provide a multimedia messaging service to a user equipment connected to a network of a system,” as recited in claim 1 (or the similar recitation of claim 65).

Sofer also fails to disclose or suggest, “a second system entity configured to provide a value added service to a user of the user equipment via the multimedia messaging service,” as recited in claim 1 (or the similar recitation of claim 65).

Sofer further fails to show or suggest any kind of system entity providing a value added service via a multimedia messaging service since Safer does not disclose any kind of multimedia messaging service or a system entity even capable of providing a multimedia messaging service. For example, Sofer fails to show or suggest in any way that the value added services platform 25 of Sofer would provide a value added service via a multimedia messaging service. Thus, VAS platform 25 of Sofer does not correspond to the second system entity as claimed.

Sofer additionally fails to disclose or suggest, “wherein the first system entity is configured to send a message to the second system entity, wherein the message comprises roaming information about the user equipment,” as recited in claim 1 (or the similar recitation of claim 65).

Since Sofer fails to disclose the first system entity (configured to provide a multimedia messaging service to user equipment connected to a network of a system) and the second system entity (configured to provide a value added service to a user of the user equipment via the multimedia messaging service), Sofer also necessarily fails to disclose that such first system entity is configured to send any message to such second system entity, or more specifically, a message comprising roaming information about the user equipment.

Moreover, considering that the VAS platform 25 seems to be the only entity in Sofer capable of providing a value added service, it should also be noted that Sofer further fails to teach that any message comprising roaming information about the user equipment would be sent to said VAS platform 25 by any other entity.

Additionally, Sofer fails to disclose or suggest, “and wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment,” as recited in claim 1, or the similar recitations of claim 65, which has its own scope.

Again, since Sofer fails to disclose the second system entity (configured to provide a value added service to a user of the user equipment via the multimedia messaging service), Sofer also necessarily fails to disclose that such a second system entity is configured to use the roaming information when providing the value added service to the user equipment.

In addition, considering that the VAS platform 25 seems to be the only entity in Sofer capable of providing a value added service, it should also be noted that Sofer further fails to teach that said VAS platform 25 would use any roaming information when providing the value added service to the user equipment.

Finally, it should be noted that Sofer is only concerned with how to enable roaming subscribers to have *access to value added services* (see paragraphs [0004] and [0014] of Sofer). However, Sofer is completely silent about any system entity configured to provide a value added service *using any roaming information when providing the value added service* to user equipment. Thus, Sofer fails to disclose or suggest, “and wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment,” as recited in claim 1, or the similar recitations of claim 65, which has its own scope. Thus, these are additional reasons that the rejections of claims 1 and 65 should be withdrawn.

As to independent claim 19 (and claim 60, which has its own scope), Sofer fails to teach at least, “A method, comprising: receiving a message comprising roaming information about a user equipment from a network entity providing a multimedia messaging service,” as recited in claim 19, or the similar recitations of claim 60.

Sofer fails to teach any kind of multimedia messaging service or a network entity providing a multimedia messaging service. Sofer merely discloses a short message service (see paragraph [0067] of Sofer), which is different from a multimedia messaging

service (MMS). The SMS allows transmission of short text messages between communication devices. However, the SMS is not able to transmit multimedia messages.

Consequently, Sofer necessarily fails to show or suggest that a message comprising roaming information about a user equipment would be received from such a network entity providing a multimedia messaging service. Thus, Sofer fails to teach at least, “A method, comprising: receiving a message comprising roaming information about a user equipment from a network entity providing a multimedia messaging service,” as recited in claim 19, or the similar recitations of claim 60.

Sofer also fails to disclose or suggest, “and providing a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information,” as recited in claim 19, or the similar recitations of claim 60.

Sofer seems to be completely silent about providing any value added service via a multimedia messaging service using received roaming information. In fact, Sofer clearly fails to teach that the VAS platform 25 would use any received roaming information when providing the value added service to the user equipment or that the value added service would be provided via a multimedia messaging service. Thus, Sofer fails to disclose or suggest, “and providing a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information,” as recited in claim 19, or the similar recitations of claim 60. Thus, for these additional reasons, the rejections of claims 19 and 60 should be withdrawn.

Sofer also fails to disclose or suggest all of the features of independent claim 45 (and correspondingly new claim 70, which has its own scope). For example, Sofer fails to disclose or suggest, “An apparatus, comprising: a receiver configured to receive a message from a network entity providing a multimedia messaging service, wherein the message comprises roaming information about a user equipment,” as recited in claim 45, or the similar recitations of claim 70.

Sofer fails to teach any kind of multimedia messaging service or a network entity providing a multimedia messaging service. Sofer merely discloses a short message service (SMS; see paragraph [0067] of Sofer), which is different from a multimedia messaging service (MMS). The SMS allows transmission of short text messages between communication devices. SMS, however, is not able to transmit multimedia messages. Consequently, Sofer necessarily fails to show or suggest an apparatus comprising a receiver configured to receive a message from a network entity providing a multimedia messaging service, and more specifically, a message that comprises roaming information about a user equipment.

Additionally, Sofer fails to disclose or suggest, “wherein the apparatus is configured to provide a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information,” as recited in claim 45, or as similarly recited in new claim 70.

Sofer is completely silent about any apparatus configured to provide any value added service via the multimedia messaging service using the received roaming

information. In fact, Sofer fails to teach that the VAS platform 25 would use any received roaming information when providing the value added service to the user equipment or that the VAS platform 25 would be configured to provide the value added service via a multimedia messaging service.

Thus, Sofer fails to disclose or suggest, "wherein the apparatus is configured to provide a value added service to a user of the user equipment via the multimedia messaging service using the received roaming information," as recited in claim 45, or as similarly recited in new claim 70. It is consequently respectfully requested that the rejection of claim 45 be withdrawn and that claim 70 be indicated as allowable.

Claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-34, 36, 46, 49, 52-53, and 55-59 depend respectively from, and further limit, claims 1, 19, and 45. Thus, each of claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-34, 36, 46, 49, 52-53, and 55-59 recites subject matter that is neither disclosed nor suggested in Sofer. Claim 35 has been cancelled without prejudice or disclaimer. Thus, it is respectfully requested that the rejection of claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-36, 46, 49, 52-53, and 55-59 be withdrawn.

Independent claim 66 has its own scope. Claim 66, however, recites at least some similar features to those discussed above, with respect to which Sofer is deficient. Consequently, it is respectfully requested that the rejection of claim 66 be similarly withdrawn.

Claims 6-7, 24-25, 50-51, and 61-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer in view of U.S. Patent Application Publication No.

2003/0193967 of Fenton et al. ("Fenton"). Claims 3, 10, 21, 28, 39, 47, and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer in view of U.S. Patent No. 6,917,813 of Elizondo ("Elizondo"). As noted above, Sofer is not proper prior art, and consequently both of these rejections are improper and should be withdrawn.

Additionally, for the Examiner's convenience it is noted that neither Fenton, Elizondo, nor a combination thereof could remedy the above-identified deficiencies of Sofer, even if Sofer were prior art (not admitted).

Fenton generally relates to a method, apparatus, and system for processing multimedia messages. As explained at paragraphs [0003] to [0007] thereof, Fenton aims to provide a method, apparatus, and system that process multimedia messages and is capable of supporting current and future multimedia messaging services, as well as to exploit the advances being made in the world multimedia community, with additional mobile requirements. Accordingly, it is unsurprising that Fenton fails to remedy the above-identified deficiencies of Sofer.

Elizondo, as noted above, was also cited, but cannot remedy the deficiencies of Fenton and/or Sofer. Elizondo generally relates to provision of short message services. As explained at column 2, lines 47-56, thereof, Elizondo aims to provide a method that allows the HLR to determine the proper address for the MSC (or VLR) serving a roaming MS, when requested by an external node, while enabling communication between the external node and the MS, MSC, or VLR, so as to provide proper addressing of SMS services to MSs roaming in an SS7 network that is different from the MS home network,

when SMS reception from SS7 networks is not being used by the MS. Accordingly, it is unsurprising that Elizondo fails to remedy the above-identified deficiencies of Sofer and Fenton. Thus, it is respectfully requested that the rejections be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 1-3, 5-21, 23-34, 36, 45-47, 49-66, and 70 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-3, 5-21, 23-34, 36, 45-47, 49-66, and 70 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Flanagan", written over a horizontal line.

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